



U.S. Department of Justice

Criminal Division

*Criminal Division, Fraud Section
1400 New York Avenue, NW
Washington, D.C. 20530*

September 5, 2019

Via ECF

The Honorable Lorna G. Schofield
United States District Judge
United States District Court for the Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: *United States v. Alexander Burns and Andrew Scherr*, 18-cv-9477

Dear Judge Schofield:

As directed in the Court's Order dated June 10, 2019, the Government submits this report to update the Court on the status of the pending criminal proceedings against Andrew Scherr and Robert McGraw in the Northern District of Texas (*United States v. Andrew Scherr and Robert McGraw*, No. 3:19-cr-225(S), N.D. Tex.).

Since the government's last status letter, which was filed July 21, 2019, the government has continued to provide discovery to the defendants on a rolling basis. In addition, on July 31, 2019, Judge Karen Gren Scholer entered an Order that (1) extended the deadline for the Defendants' deadline to complete their rule 16 disclosures from July 31, 2019 to August 31, 2019; (2) extended the deadline for the parties to submit a joint pretrial order from September 10, 2019 to October 30, 2019; and (3) excluded the time from within which to proceed to trial under 18 U.S.C. § 3161(h)(7)(A).

Given that the criminal case in the Northern District of Texas remains pending, the government respectfully requests that the proceedings in the case before this Court remain stayed. Pursuant to the Court's June 10, 2019 order, the government will provide the Court with another report regarding the status of the criminal proceedings pending in the Northern District of Texas on or before 45 days from today's date.

Respectfully submitted,

/s/ Caitlin Cottingham
Caitlin Cottingham
Danny Nguyen
Trial Attorneys
U.S. Department of Justice

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